<u>REMARKS</u>

Claims 1-34 are pending in the present patent application. Claims 1-34 stand rejected. By the present amendment, new claim 35 is added. This application now includes claims 1-35.

Applicants thank the Examiner for considering Applicants' previous Amendment and the arguments set forth therein.

Claims 1-34 were rejected under 35 U.S.C. §102(b) as being anticipated by Boldt, et al., U.S. Patent No. 6,349,304 B1 (hereinafter, Boldt). Applicants respectfully request reconsideration of the rejection of claims 1-34 in view of the following.

Boldt is directed to configuring devices over a network with settings and, in particular, copying the settings from one network device, such as a network printer, to a plurality of network devices, such as printers (col. 1, lines 12-14). Boldt discloses that at block 46, a list of printers is displayed, and that at block 48, the user selects printers as targets from those displayed (col. 8, lines 11-24, Fig. 8). At block 50, groups of features 26 associated with the selected source are displayed, and at block 52, the user selects one or more groups of features 26 (col. 8, lines 25-33, Fig. 8). At block 56, the source and target printers, and the values for the selected features are displayed, and at block 58, the user selects the "Finish" button to begin the process of copying values for the selected features to the target printers (col. 8, lines 34-47, Fig. 8), which is performed as a loop from block 60 to block 72 for each target printer (col. 9, lines 23-26, Fig. 8).

At block 60, the computer selects a target printer, and at block 64, transmits a query over the network to determine if the target printer supports both the selected feature and the source value for the selected feature (col. 8, lines 50-65, Fig. 8). After determining which of the values are supported at the target printer, at block 66 the computer configures the target printer with the selected group of features that are available at the target printer (col. 9, lines 3-8, Fig. 8). At

block 68, the computer maintains information indicating values for the selected features not copied to the target printer, and at block 70 the computer determines if there are any unconfigured printers left, wherein if so, control transfers to block 72 to loop back to block 60 until all target printers are configured (col. 9, lines 17-26, Fig. 8).

Applicants believe that claims 1-34 patentably define Applicants' invention over Boldt, for at least the reasons set forth below.

Applicants hereby incorporate by reference their arguments set forth in their previous Amendment, electronically filed March 27, 2007. Applicants also hereby incorporate by reference their arguments set forth in their previous Responses, electronically filed October 2, 2006 and February 6, 2007.

APPLICANTS' RESPONSE TO THE "RESPONSE TO AMENDMENT"

In the Response to Amendment, it is asserted that Applicants' position that Boldt teaches querying a target device prior to writing the settings is not completely correct, and it is asserted that even if so, the language of Applicants' claims do not specify the particular steps of all of the events. Applicants respectfully disagree with the above mentioned assertion for at least the reasons that follow.

1. BOLDT DISCLOSES QUERYING A TARGET DEVICE PRIOR TO ANY ATTEMPT AT WRITING THE SETTINGS.

Applicants respectfully submit that the interpretation of the Boldt reference employed in rejecting Applicants' claims is not accurate, and does not correctly reflect the operation of the Boldt process.

Rather, Applicants respectfully submit that such interpretation reflects a misconception of the Boldt process, which appears to be possibly the result of speculation, unfounded assumption,

or an interpretation of the Boldt process based on hindsight reconstruction using Applicants' specification and claims as a blueprint.

Applicants respectfully submit that the Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption, or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. *In re Warner*, 154 U.S.P.Q. 173,178 (CCPA 1967).

For example, the interpretation of the Boldt process employed in rejecting Applicants' claims is primarily based on the mere Boldt statement at column 8, lines 43-47 that the process of copying values would "begin" when a user selects "Finish," and that under the asserted interpretation, the features/values are copied, with the exception of those that were not copied due to being unsupported at the target printer, and that the balance of the Boldt process described with respect to blocks 60-74 addresses those features/values that were not initially copied.

However this interpretation is made to reject Applicants' claims without regard to the totality of the Boldt disclosure, which makes clear that the process that would "begin" is the process described in Boldt Fig. 8, wherein the user selects "Finish" at block 58, which transfers control to block 60 through block 74 to perform the copying process that is initiated by having selected "Finish."

Upon closer scrutiny, Applicants respectfully submit that there is indeed no copying in the Boldt process until block 66, <u>which is the only block Boldt discloses as including a copying step</u> – see Fig. 8.

With the interpretation of the Boldt process that is used to reject Applicants' claims, the entire copying process is assertedly described in a brief sentence at column 8, lines 43-47, whereas the balance of the Boldt description would assertedly be remedial action along the lines

of Applicants' claims. However, **nowhere at all in the Boldt reference** is there any statement or teaching or suggestion that there is a remedial action for values or features that were not accepted in a first writing attempt. Nor is there any disclosure, teaching or suggestion that there is a first transmission of values followed by a determination of which features are supported, followed by another transmission of values.

Rather, Applicants respectfully submit that the interpretation of the Boldt reference that is used to reject Applicants' claims is based on taking the Boldt statement at column 8, lines 43-47 out of context.

In addition, the relied-upon Boldt dialog box 32 is clearly disclosed as taking place <u>at the end of the Boldt process</u> – block 74 – after which there are no remedial steps to address those features/values that were not copied. See for example, Fig. 8, wherein the values not copied are displayed at block 74. See also column 9, lines 26-29, which clearly illustrates that the values not copied are displayed at block 74.

Although dialog box 32 is referenced at column 7, lines 16-18, this is part of a description of the Boldt graphical user interface, and does not describe when in the Boldt process dialog box 32 is displayed – rather such a description is supplied by Boldt at column 9, lines 26-29, which describes that dialog box 32 is displayed at the end of the Boldt process – block 74 of Fig. 8.

It will be noted that in Fig. 8, dialog boxes are used in the Boldt process six (6) times: (1) the display of printers and files for the user to select as a source at block 42; (2) list of printers for user to select as targets at block 46; (3) display groups of features available at the selected source at block 50; (4) display source and target printers and printer file and values for selected features at block 56 – which allows the user to select "Finish" at block 58; (5) display target being

configured at block 62; and (6) display results of copy operation including values not copied due to unavailability at printer at block 74 – this is dialog box 32.

Thus, it is clear that dialog box 32 is only displayed at the end of the Boldt process. There is simply no remedial action disclosed, taught or suggested by Boldt after dialog box 32. Rather, the Boldt process clearly ends after dialog box 32 is displayed.

When taken in context, and with closer scrutiny in analyzing the Boldt reference, Applicants respectfully submit that it is clear that the Boldt description at column 8, lines 43-47 refers to the copying process that takes place from blocks 60-74, which will "begin" when the user selects "Finish" at block 58 (Fig. 8).

Rather than transmitting values, determining which features/values were not accepted by the target, and then retransmitting new values, Boldt discloses querying for acceptable values and then transmitting only acceptable values.

Notwithstanding the above, Applicants will respectfully clarify with the following six (6) points A-F, which, when taken in the context of the entire Boldt disclosure, support Applicants' position that Boldt does not anticipate Applicants' claims because Boldt queries for acceptable features *prior to* the first and only Boldt transmission of any values/features.

Boldt simply *does not in any manner* disclose, teach, or suggest first writing values or features, and then performing a remedial action, such a second writing of values or features that were not accepted in a first writing attempt, as do Applicants' claims.

Applicants respectfully request and urge the Examiner to carefully consider the points raised below in points A-G, which Applicants' believe are clearly supportive of their position.

A. Boldt's First Summary Of The Boldt Process Is In Complete Agreement With

Applicants' Position

The Boldt process is summarized in the section entitled "Summary of the Preferred Embodiments" at columns 1 and 2. The Boldt summary <u>explicitly</u> provides that the computer determines features that the target device is capable of implementing, <u>and then transmits</u> those features, and does <u>not</u> in any manner mention, hint at, or otherwise disclose, teach, or suggest that if not accepted, those values or features or replacement values or features that were not accepted are then written or rewritten.

The Boldt summary at columns 1 and 2 simply does <u>not</u> in any manner address or otherwise disclose, teach, or suggest that there is a remedial action for values or features that were not accepted that is akin to that recited in Applicants' claims, such as (1) writing each setting of said plurality of source device settings to said at least one target device; (2) querying said at least one target device for setting information <u>based on each said invalid setting indication</u>; and (3) <u>writing, for at least one of said each setting not accepted</u> by said at least one target device, <u>a value</u> to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

In contrast to Applicants' claims, Boldt <u>explicitly discloses</u> that if a target printer does not support a particular function, the values for that unsupported feature <u>will not be transmitted</u> to the target printer, which stands in stark contrast to Applicants' claims, <u>which clearly recites a remedial action that is not disclosed by Boldt</u>, such as (1) writing each setting of said plurality of source device settings to said at least one target device; (2) querying said at least one target device for setting information <u>based on each said invalid setting indication</u>; and (3) <u>writing, for at least one of said each setting not accepted</u> by said at least one target device, <u>a value</u> to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

B. Boldt's Second Summary Of The Boldt Process Is In Complete Agreement With

Applicants' Position

The Boldt process is summarized a second time at column 11, lines 5-24, which is

reproduced below for the sake of convenience.

> In summary, preferred embodiments disclose a system and method for configuring a plurality of devices linked to a network with a computer also linked to the network. A computer determines from the devices a source device. The computer then determines a set of features from features implemented in the source device. At least one value is set for each feature in the source device. The computer also determines at least one target device. For each target device, the computer then determines features from the determined set of features that the target device is capable of implementing. The computer **then** transmits to each target device via the network the values for the determined features the target device is capable of implementing. If there are multiple target devices, then different sets of values from the determined set of features may be transmitted to different target devices when the target devices have different capabilities with respect to the determined set of features. The target devices are configured with the values transmitted over the network. (Emphasis added).

The Boldt second summary is also in complete agreement with Applicants' interpretation

of the Boldt process, and does not mention anything at all about first transmission step followed

by a second transmission step for any values not accepted in the first transmission step.

C. Boldt's Prosecution History Is In Complete Agreement With Applicants' Position

The Boldt prosecution history clearly supports Applicants' position. Applicants have

attached a copy of an Amendment filed on behalf of Boldt during the prosecution of the Boldt

patent application (Exhibit A – see Appendix of the present Amendment). The Boldt applicants

repeatedly emphasized in the attached Boldt Amendment that the determination of features the

target device can implement is made before the feature values are transmitted to the target

devices, and that **only** those values that are capable of being implemented by the target device are

transmitted to the target device. For example, see page 11 of the Boldt Amendment, which

repeatedly emphasizes that features that the target device is capable of implementing are determined, and then, the values are transmitted. In particular, the bottom paragraph on page 11 makes clear only those that the target device is capable of implementing are transmitted.

In contrast, Applicants' claims clearly recite a remedial action that is not disclosed by Boldt, such as (1) writing each setting of said plurality of source device settings to said at least one target device; (2) querying said at least one target device for setting information based on each said invalid setting indication; and (3) writing, for at least one of said each setting not accepted by said at least one target device, a value to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

Although the Boldt prosecution history pertains to the claims of the Boldt patent application, the Boldt Amendment nonetheless clearly describes that the Boldt process in a manner that is consistent with Applicants' interpretation of what the Boldt process is, and is not consistent with the interpretation of the Boldt process used in rejecting Applicants' claims.

Boldt simply does not disclose, teach, or suggest a remedial action for settings not accepted by the target device, but rather, transmits only those values that it is known will be accepted.

D. Boldt's Claims Are In Complete Agreement With Applicants' Position

The Boldt independent claims clearly support Applicants' position. Each of the Boldt independent claims clearly recites that the features that the target device is capable of implementing are determined prior to transmitting any values/features. In addition, none of the Boldt dependent claims modify the subject matter of the independent claims to add a provision that there is a first transmission of values/features prior to determining which values/features are supported at the target device.

E. The Relied-Upon Boldt Dialog Box 32 Supports Applicants' Position

Although Boldt does disclose that dialog box 32 shows values that failed to copy, as asserted by the Examiner, the relied-upon description of this dialog box at col. 7, lines 15-23 is part of a description of the Boldt graphical interface, and <u>not</u> part of the description of the operation of that interface, which is subsequently described from column 7, line 54 to column 9, line 39.

In particular, it will be noted that the relied-upon dialog box 32 does <u>not</u> include a button to "Finish" the copying process, but rather, includes an "Exit" button. As made clear above and in the description of the Boldt process from column 7, line 54 to column 9, line 39, and Fig. 8, dialog box 32 is provided <u>at the end of the copying process at block 74, subsequent to the Boldt determination of which features are supported</u>. Unlike Applicants' claims, Boldt simply does **<u>not</u>** include any remedial action regarding those values that failed to copy and are displayed in dialog box 32. Rather, dialog box 32 shows the results of a process that does <u>not</u> take remedial action if values/features are not accepted. Boldt simply does not in any manner disclose, teach, or suggest such a remedial action, but rather, simply accepts that not all values will be written.

F. Summary As With Respect To Interpretation Of Boldt Process

The rejection of Applicants' claims hinge on the Examiner's interpretation of the Boldt statement at column 8, lines 43-47 that all the values/features are copied immediately when the user selects "Finish," which would "begin" the process of copying. However, in view of the above points raised by Applicants, and in view of Applicants' previous arguments and the totality of the Boldt disclosure and prosecution history, Applicants respectfully submit that such an interpretation is incorrect. Further, Applicants respectfully submit that the Boldt disclosure and

prosecution history support Applicants' position that Boldt discloses determining which features are supported prior to any attempt at transmitting/writing any features/values.

2. APPLICANTS CLAIMS REQUIRE THAT A FIRST WRITE ATTEMPT IS MADE, FOLLOWED BY A DETERMINATION OF WHICH SETTINGS WERE NOT ACCEPTED, FOLLOWED BY A SECOND WRITING, WHICH BOLDT DOES NOT DISCLOSE, TEACH, OR SUGGEST.

Independent claim 1 recites writing each setting of said plurality of source device settings to said at least one target device; generating an invalid setting indication for each setting not accepted by said at least one target device; querying said at least one target device for setting information based on each said invalid setting indication; and writing, for at least one of said each setting not accepted by said at least one target device, a value to said at least one target device, said value corresponding to said setting information.

Independent claim 12 recites writing each setting of said plurality of source device settings to said at least one target device; generating an invalid setting indication for each setting not accepted by said at least one target device; querying said at least one target device for setting information based on each said invalid setting indication; and writing, for at least one of said each setting not accepted by said at least one target device, a value to said at least one target device, said value corresponding to said setting information.

Independent claim 23 recites writing each setting of said plurality of source device settings to said at least one target device; generating an invalid setting indication for each setting not accepted by said at least one target device; querying said at least one target device for setting information based on each said invalid setting indication; and writing, for at least one of said each setting not accepted by said at least one target device, a value to said at least one target device, said value corresponding to said setting information.

Independent claim 34 recites obtaining said source device setting from said source device; attempting to write said source device setting to said target device; and determining whether said target device accepted said source device setting that was attempted to be written to said target device, wherein if said target device did not accept said source device setting, said method further comprising: tracking an error, said error indicating that said target device did not accept said source device setting that was attempted to be written to said target device; determining available settings for said target device; displaying said available settings to a user; selecting, by said user, a desired value from said available settings as a replacement for said source device setting; and fixing said error by writing said desired value to said target device.

Thus, with each of Applicants' independent claims, a first effort is made to write the settings, and for those settings that were not accepted, a determination is made as to setting information, and then a second effort is made to write the settings that were not previously accepted.

Thus, the fundamental operation of Applicants' invention stands in stark contrast to that of Boldt, which discloses determining which features are available at the target device, and then transmitting only those that are acceptable, as is repeatedly made clear in the Boldt specification, drawings, claims, and prosecution history.

Notwithstanding the above, as set forth in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)(Emphasis added). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of

terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (Emphasis added).

Applicants respectfully submit that since the claim limitations pertaining a first effort being made to write the settings, and for those settings that were not accepted, a determination being made as to setting information, and then a second effort being made to write the settings that were not previously accepted, as recited in claims 1, 12, 23 and 34, are <u>not</u> expressly or inherently in the Boldt reference, that the identical invention is <u>not</u> shown in Boldt in as complete detail as is contained in the claims, and the elements in Boldt are <u>not</u> arranged as required by the claims, claims 1, 12, 23 and 34 are not anticipated by Boldt.

In addition, Applicants respectfully submit that Boldt does not disclose, teach, or suggest the subject matter of claims 1, 12, 23 and 34 for at least the reasons as set forth in their previous Amendment, electronically filed March 27, 2007, and in their previous Responses, electronically filed October 2, 2006 and February 6, 2007.

Further, Applicants respectfully submit that Boldt does not disclose, teach, or suggest the subject matter of dependent claims 2-11, 12-22 and 24-33 for at least the reasons as set forth in their previous Amendment, electronically filed March 27, 2007, and in their previous Responses, electronically filed October 2, 2006 and February 6, 2007.

Accordingly, Applicants respectfully request that the rejection of claims 1-34 under 35 U.S.C. §102(b) be withdrawn.

New Claim 35

Claim 35 is directed to a method for a computer to establish, via a network, target device settings for a plurality of target devices based on source device settings of a source device.

Claim 35 recites (a) establishing a network connection between said computer and said source device; (b) said source device transmitting an applet to said computer via said network connection; and (c) executing said applet on said computer to establish said target device settings in said plurality of target devices by:

> entering IP addresses for each target device of said plurality of target devices;
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> establishing a first remote session with said source device;
>
> retrieving a settings list from said source device;
>
> retrieving said source device settings;
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> terminating said first remote session with said source device; and
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> for said each target device:
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>> establishing a second remote session with said each target device;
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>> transmitting and writing said source device settings to said each target device;
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> and
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>> determining whether any settings were not accepted by said target device,
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> wherein for said any settings that were not accepted by said target device, said method further comprising:
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>> generating an invalid setting indication;
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>> determining available settings for said target device based on said invalid setting indication;
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>> displaying said available settings to a user;
>>
>> said user selecting a desired value from said available settings as a replacement for said source device setting; and
>
> transmitting and writing said desired value to said target device.

Applicants respectfully submit that <u>Boldt is completely silent as to a source device transmitting an applet to a computer via a network connection,</u> as recited in claim 35. Rather, Boldt merely discloses logic implemented in a computer within an application program or as part of the operating system to configure the printers over the network (col. 7, lines 55-58). <u>Boldt is completely silent as to the logic implemented in the computer being transmitted to the computer via the network from a source device.</u>

In addition, Boldt does not disclose, teach, or suggest the subject matter of the balance of claim 35 for at least the reasons set forth above with respect to claims 1-34 and as set forth in their previous Amendment, electronically filed March 27, 2007, and in their previous Responses, electronically filed October 2, 2006 and February 6, 2007.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

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APPENDIX

Following please find as "EXHIBIT A" a copy of a portion of the Boldt prosecution history file, in particular, an Amendment filed on behalf of the Boldt applicants during prosecution of the Boldt Patent Application Serial Number 09/927,810 on July 2, 2001, and received at the U.S. Patent and Trademark Office on July 9, 2001.